

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

18 JAN 19 PM 2:34

CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

AD

**JEREMY KING,**  
Plaintiff,

-vs-

CAUSE NO.:  
A-16-CV-00131-DAE

**BRIAN HUCKABY, #5159 and  
GUSTAVE GALLenkAMP, #7077,**  
Defendants.

**JUDGMENT**

On the 9th day of January 2018, the Court called the above-captioned matter for trial, and the plaintiff Jeremy King and the defendants Brian Huckaby and Gustave Gallenkamp appeared with their respective counsel. The parties announced ready for trial, and a jury of eight duly and legally qualified jurors was sworn in, and thereafter, the case proceeded to trial. On January 9, 2018, plaintiff Jeremy King rested his case, and defendants Brian Huckaby and Gustave Gallenkamp filed a motion for judgment as a matter of law pursuant to Rule 50 of the Federal Rules of Civil Procedure, which the Court denied. The trial continued until defendants Brian Huckaby and Gustave Gallenkamp rested their case on January 11, 2018. The Defendants renewed their motion for judgment as a matter of law, and the Court continued the above ruling. The case was submitted to the jury on January 11, 2018.

The jury returned its verdict on January 12, 2018, finding defendants Brian Huckaby and Gustave Gallenkamp did not violate plaintiff Jeremy King's Fourteenth Amendment right to be free from selective enforce of the law based on his race. The jury found defendant Gustave Gallenkamp violated plaintiff Jeremy King's Fourth Amendment right to be free from excessive force by using unreasonable and excessive force while arresting plaintiff Jeremy King. The jury

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found defendant Brian Huckaby did not violate plaintiff Jeremy King's Fourth Amendment rights. In addition, the jury found defendant Gustave Gallenkamp's actions during the arrest of plaintiff Jeremy King were not objectively unreasonable in light of the clearly established law at the time. The jury awarded plaintiff Jeremy King \$5,000 for physical pain and/or mental anguish sustained with respect to his excessive force claim. The jury's damages award is inconsistent with its finding that defendant Brian Huckaby did not violate plaintiff Jeremy King's Fourth Amendment rights and defendant Gustave Gallenkamp's actions during the arrest of plaintiff Jeremy King were not objectively unreasonable in light of the clearly established law at the time. Accordingly, the Court vacated the damages awarded to plaintiff Jeremy King.

Prior to trial, the Court dismissed plaintiff Lourdes Glen's claims with prejudice, and dismissed defendants Richard Munoz and Vanessa Jimenez from the case with prejudice. (Dkt. # 34.)

Accordingly, the court, having accepted the verdict and having the verdict filed with the Clerk, finds from the pleadings, verdict, and the law, that the following judgment should be entered and is so entered:

IT IS ORDERED, ADJUDGED, and DECREED that plaintiffs Jeremy King and Lourdes Glen TAKE NOTHING in this cause against defendants Brian Huckaby, Gustave Gallenkamp, Richard Munoz, and Vanessa Jimenez, and that defendants go hence with their costs, for which let execution be made against plaintiffs Jeremy King and Lourdes Glen.

SIGNED this the 19<sup>th</sup> day of January 2018.



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David Ezra  
UNITED STATES DISTRICT JUDGE